IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

TUESDAY, THE 27TH FEBRUARY 2007 / 8TH PHALGUNA 1928

WP(C).No. 3453 of 2007(J)

PETITIONER:

VIJEESH T.V., AGED 25 YEARS,
S/O.T.V.VISWAMBHARAN, THATTARAPURAKKAL HOUSE,
KARANCHIRA P.O., PIN-680 702,
THRISSUR.

BY ADV. SRI.K.B.GANGESH
SRI.ANIL GEORGE

RESPONDENTS:
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1. **THE COCHIN UNIVERSITY OF SCIENCE & TECHNOLOGY, REP. BY ITS REGISTRAR, KOCHI-682 022.**

2. **HEAD OF THE DEPARTMENT, DEPARTMENT OF APPLIED ECONOMICS, COCHIN UNIVERSITY OF SCIENCE & TECHNOLOGY, KOCHI-682 022.**

3. **SOUMYA P.V., 1ST SEMESTER STUDENT, M.PHIL APPLIED ECONOMICS, DEPARTMENT OF APPLIED ECONOMICS, COCHIN UNIVERSITY OF SCIENCE & TECHNOLOGY, KOCHI-682 022.**

4. **JENCY JAMES, DO.**

BY ADV. DR.SEBASTIAN CHAMPAPPILLY,SC COCHIN UTY for R1&R2
SRI.PAULY MATHEW MURICKEN for R3 & R4

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 27/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1:	**COPY OF THE RELEVANT PORTION OF THE 2006 ACADEMIC HANDBOOK PUBLISHED BY THE 1ST RESPONDENT UNIVERSITY.**
EXT.P2:	**COPY OF THE MEMO DTD. 29/09/2006 ISSUED TO THE PETITIONER FOR ATTENDING THE ENTRANCE EXAMINATION.**
EXT.P3:	**COPY OF THE CALL LETTER DTD. 8/11/2006 ISSUED TO THE PETITIONER FOR INTERVIEW.**
EXT.P4:	**COPY OF THE CONSOLIDATED MARK LIST DTD. 8/06/06 OF THE PETITIONER IN M.A.ECONOMICS.**
EXT.P5:	**COPY OF THE COMMUNITY CERTIFICATE DTD. 15/11/06 ISSUED TO THE PETITIONER.**
EXT.P6:	**COPY OF THE COMMUNICATION ISSUED TO THE PETITIONER ON 7/02/2007.**

1ST RESPONDENT'S EXHIBIT:

EXT.R1(A):	**COPY OF THE RESOLUTION OF THE DEPARTMENTAL COUNCIL MEETING HELD ON 4TH JANUARY 2007.**

4TH RESPONDENT'S EXHIBITS:

EXT.R4(A)SERIES:	**COPY OF RECEIPTS DTD. 12/01/2007 EVIDENCING THE REMITTANCE OF FEE FOR SEMESTER-I OF THE M.PHIL PROGRAMME IN APPLIED ECONOMICS BY RESPONDENTS 3 & 4.**
EXT.R4(B):	**COPY OF THE GAZETTE DTD. 28/02/1989 CONTAINING THE REVISED REGULATIONS FOR THE M.PHIL DEGREE COURSES UNDER THE VARIOUS FACULTIES OF THE UNIVERSITY.**
EXT.R4(C):	**COPY OF THE BROCHURE PUBLISHED BY THE DEPARTMENT OF APPLIED ECONOMICS CONTAINING THE ELIGIBILITY CRITERIA FOR ADMISSION TO THE M.PHIL COURSE IN APPLIED ECONOMICS OF THE 1ST RESPONDENT UNIVERSITY.**

/TRUE COPY/

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THOTTATHIL B. RADHAKRISHNAN, J.

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WP(C).No. 3453 OF 2007-J

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Dated this the 27th day of February, 2007.

JUDGMENT

The petitioner, who possessed M.A.degree in Economics, applied for being considered for being enrolled for M.Phil course in Applied Economics in CUSAT. He competed and found a place in the ranked list, though he is, as of now, wait-listed. He challenges the selection of respondents 3 and 4 in preference to him by contending that Ext.P1 booklet for admission shows Master's degree in Economics with at least 50% aggregate marks as the eligibility criteria for admission for M.Phil in Applied Economics and that respondents 3 and 4 do not possess such qualification but only Master's degree in Business Economics. The foundation of the writ petition is the contention that Master's degree in Economics means M.A. degree in Economics which the petitioner has. On the basis

of such argument, he wants to exclude respondents 3 and 4 from the zone of consideration.

2. Ext.R4(b) is part of the Regulations for M.Phil degree courses under the various faculties of CUSAT. Those Regulations have been issued by the University in exercise of its statutory power under the relevant statutes. Regulation 11.1.(i) provides that a candidate for admission to the Master of Philosophy degree course shall be required to have passed a Master's degree examination of any of the Universities in Kerala or an examination accepted by the Syndicate as equivalent thereto and to have obtained a minimum of 50% aggregate marks (or equivalent grade) in the examination. This means that a person aspiring for admission to the M.Phil degree course in a particular faculty has to possess a Master's degree in the subject in which he aspires to join for M.Phil. If this yardstick is applied for M.Phil degree course in Applied Economics, only those who possess Master's degree in Applied Economics can apply. But it is the undisputed position that Master's degree in Applied Economics is not offered by any of the Universities in Kerala. Ext.R4(c) brochure published by

the Department of Applied Economics in CUSAT prescribes the eligibility for admission as a post-graduate degree or equivalent from a university or institution in India, which is in pari materia with the aforesaid referred clause in the Regulations. Leaving aside Ext.R4(c) and referring back to Ext.P1 relied on by the petitioner, it can be easily seen that what is required as the essential qualification is only a Master's degree in Economics. It does not say that the applicant has to possess a Master's degree in Economics. This means that any Master's degree in Economics would fall within the eligibility criterion for M.Phil Programme in Applied Economics. Viewed in that angle, there is no reason to exclude Masters in Business Economics or Masters in any special branches of Economics or M.A. degrees from the zone of consideration for selection and admission to M.Phil Programme in Applied Economics. So much so, the action taken by the University in considering the petitioner who has M.A. in Economics and respondents 3 and 4 who have Master's degree in Business Economics for selection for admission to M.Phil in Applied Economics cannot be found fault with. Under such circumstances, the challenge against the selection

of respondents 3 and 4 in preference to the petitioner fails, particularly when their selection is on the basis of a competition between the petitioner and them having been conducted by the University.

In the result, the writ petition fails. The same is dismissed.

THOTTATHIL B. RADHAKRISHNAN,
JUDGE.

Sha/-